

SUMMARY MINUTES
REGULAR COUNCIL MEETING

October 8, 2013

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, October 8, 2013, beginning at 7:06 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found on the website at: www.northmiamifl.gov

Flag salute

- ◆ *Zico Fremont, Florida International University Student,
Arts and Sciences Senator*

Inspirational Message

- ◆ *Pastor Luna Marchand, SBNA Ministries*

ROLL CALL

| | |
|----------------------|------|
| Vice Mayor Galvin | Here |
| Mayor Tondreau | Here |
| Councilman Bien-Aime | Here |
| Councilwoman Keys | Here |
| Councilwoman Steril | Here |

Additions, Deletions or Withdrawals

Tab K, removed from Ordinances – First Reading, until the next Council meeting

Tab H1, added under Resolutions

Tab N, added under Requests – Petitions – Communications

SPECIAL PRESENTATION(s)

- ◆ Certificate of Recognition in honor of *National Breast Cancer Awareness Month*

Mayor Tondreau recognized Tanya Wilson-Sejour, Interim Community Planning & Development & Planning/Zoning Manager and Breast Cancer Survivor; and presented Ms. Wilson-Sejour with a Certificate of Recognition in recognition of *National Breast Cancer Awareness Month*.

- ◆ City of North Miami Library Visioning Master Plan presentation
by *Jose Murguido, AIA, Zyscovich Architects*

Mayor Tondreau recognized Lucia Gonzalez, Library Director, introducing Jose Murguido, giving a brief presentation to Council regarding the Library Visioning Master Plan. Council discussion.

CITY EVENTS – ANNOUNCEMENT

Pam Solomon, Public Information Manager, announced upcoming events for the City of North Miami. Ms. Solomon advised all city events can be found on the website at: www.northmiamifl.gov/celebrate

HURRICANE PREPAREDNESS

Mayor Tondreau recognized Dr. Lumane Pluviose-Claude, Deputy City Manager; giving a brief report to Council advising the city is prepared in the event of a hurricane.

CITY PROJECT 2013 UPDATE

Kerrith Fiddler, Assistant Public Works Director; encouraged everyone to check out the website for project updates and completed projects can be found on the website at: www.northmiamifl.gov/progress2013

Mr. Fiddler gave a brief update on current city projects:

- Purchase of vehicles
- 142nd N Street alley wall – competed
- Enchanted Forest roof replacement – completed
- City sidewalk repair allocated – completed
- City WIFI - completed

CITIZENS' FORUM

(NONE)

CONSENT AGENDA

Vice Mayor Galvin moved to move Tab B and Tab D off of the Consent Agenda for discussion; seconded by Councilwoman Keys; passed 3-2, by roll call vote. Mayo Tondreau and Councilman Bien-Aime denied.

TAB A - APPROVAL OF MINUTES

- Regular Council Meeting – September 24, 2013
- 2nd Budget Hearing – September 25, 2013

TAB B – AUTHORIZATION FOR EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND FOR TOWER FEES FOR RADIOS USED BY CODE ENFORCEMENT

TAB C – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPOINTING COMMISSIONER KENNETH EACH AS CHAIR AND COMMISSIONER DANA MAGLOIRE-FENELON, ESQ., AS VICE-CHAIR TO THE NORTH MIAMI HOUSING AND DEVELOPMENT AUTHORITY, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 421, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

TAB D – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A REVISED CLASSIFICATION AND PAY PLAN FOR UNCLASSIFIED EMPLOYEES OF THE CITY, FOR THE 2013-2014 FISCAL YEAR BUDGET; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mayor Tondreau moved to approve the Consent Agenda, Tab A and Tab C, minus Tab B and Tab D, seconded by Vice Mayor Galvin; passed unanimously.

TAB B – AUTHORIZATION FOR EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND FOR TOWER FEES FOR RADIOS USED BY CODE ENFORCEMENT

Michael Etienne, Esquire, City Clerk read the title for the record. Council discussion. Stephen E. Johnson, City Manager, gave a brief report to Council. Marc Elias, Jr., gave a brief report to Council. Vice Mayor

Galvin moved to approve the request, seconded by Councilman Bien-Aime; passed unanimously.

TAB D – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A REVISED CLASSIFICATION AND PAY PLAN FOR UNCLASSIFIED EMPLOYEES OF THE CITY, FOR THE 2013-2014 FISCAL YEAR BUDGET; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Council discussion. Mr. Johnson gave a brief report to Council. Vice Mayor Galvin moved to continue the Resolution, seconded by Councilwoman Keys; failed 2-3, by roll call vote. Mayor Tondreau, Councilman Bien-Aime and Councilwoman Steril denied. Councilman Bien-Aime moved to approve the Resolution, seconded by Mayor Tondreau; passed 4-1. Vice Mayor Galvin denied.

PUBLIC HEARINGS – RESOLUTIONS, ORDINANCES, ZONING, LAND USE ITEMS, ETC.

RESOLUTIONS

TAB E – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF A PORTION OF A CITY RIGHT OF WAY, ALONG NORTHEAST 127 STREET, LYING SOUTH OF 12716 GRIFFING BOULEVARD, CONSISTING OF APPROXIMATELY FIVE THOUSAND SEVEN HUNDRED THREE (5,703) SQUARE FEET IN SIZE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PORTION OF THE RIGHT OF WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE CONVEYANCE OF PROPERTY; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Public discussion. Council discussion. Councilman Bien-Aime moved to approve the Resolution, seconded by Councilwoman Keys; for discussion. Councilman Bien-Aime clarified his motion is to deny the sale of the portion of land.

Council discussion. Ms. Wilson-Sejour gave a brief report to Council. Council voted on Councilman Bien-Aime's motion to deny the sale of the portion of land; passed unanimously, by roll call vote.

Councilman Bien-Aime moved to reimburse Mr. Beck approximately \$3,650, seconded by Councilwoman Steril; for discussion. Council discussion. Council voted; failed 2-3. Mayor Tondreau, Vice Mayor Galvin and Councilwoman Keys denied.

TAB F – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SELECTION OF LEE CONSTRUCTION GROUP, INC., IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN THE INVITATION FOR BID NO. 35-12-13 CITY HALL – MEP REPLACEMENT (MECHANICAL, ELECTRICAL & PLUMBING), TO PROVIDE ALL LABOR, MATERIALS, TOOLS, EQUIPMENT, SUPERVISION, SAFETY REQUIREMENTS, AND RELATED SERVICES NECESSARY FOR CITY HALL BUILDING MECHANICAL, ELECTRICAL, AND PLUMBING REPAIRS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AT A COST OF ONE HUNDRED FORTY-EIGHT THOUSAND DOLLARS (\$148,000.00), AND A CONTINGENCY AMOUNT NOT TO EXCEED TEN (10) PERCENT OF THE COST, IF REQUIRED; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. No public discussion. Councilwoman Steril moved to approve the Resolution, seconded by Councilman Bien-Aime; for discussion. Council discussion. Council voted; passed 4-1, by roll call vote. Vice Mayor Galvin denied.

TAB G – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOURTH OPTION TO RENEW PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND RISK MANAGEMENT ASSOCIATES, INC., TO CONTINUE TO PROVIDE THE CITY WITH POLICE PROFESSIONAL LIABILITY INSURANCE COVERAGE FOR ONE (1) ADDITIONAL YEAR, AT A COST NOT TO EXCEED ONE HUNDRED SEVENTY-EIGHT THOUSAND SEVEN HUNDRED THIRTY-THREE

DOLLARS (\$178,733.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. No public discussion. Councilman Bien-Aime moved to approve the Resolution, seconded by Councilwoman Steril; for discussion. Council discussion. Mr. Johnson gave a brief report to Council. Council voted; passed 4-1, by roll call vote. Vice Mayor Galvin denied.

TAB H - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE ATTACHED CLEAN WATER FACILITIES PLAN ADDENDUM TO THE CITY OF NORTH MIAMI SANITARY SEWER MASTER PLAN AND SECOND CYCLE SANITARY SEWER EVALUATION SURVEY ("FACILITIES PLAN"); AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE FACILITIES PLAN IN ORDER TO OBTAIN AVAILABLE FUNDING FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND ("SRF"), IN ACCORDANCE WITH FLORIDA LAW; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES. (CONTINUED FROM THE AUGUST 27, 2013 COUNCIL MEETING)

Mr. Etienne read the Resolution title for the record. No public discussion. Councilwoman Steril moved to approve the Resolution, seconded by Councilman Bien-Aime; for discussion. Council discussion. Mr. Johnson gave a brief report to Council. Aleem Ghany, Public Works Director, gave a brief report to Council. Council voted; passed unanimously, by roll call vote.

TAB H-1 - PROPOSED RESOLUTION OF MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DESIGNATING NE 121ST STREET BETWEEN NORTH BAYSHORE DRIVE AND 122ND ROAD TO BE KNOWN AS "RABBI JORY LANG WAY," OR "RABBI JORY LANG STREET"; IN ACCORDANCE WITH MIAMI-DADE COUNTY STREET DESIGNATION RULES; AUTHORIZING THE CITY MANAGER TO ALLOCATE AND EXPEND THE NECESSARY FUNDS TO COVER THE COSTS FOR SIGNAGE, AND DO ALL THINGS NECESSARY TO EFFECTUATE THE DESIGNATION; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Etienne read the Resolution title for the record. Public discussion. Councilwoman Keys moved to approve the Resolution, seconded by Vice Mayor Galvin; for discussion. Council discussion. Regine Monestime, City Attorney gave a brief report to Council regarding the Resolution as an ad on item must be approved by a 4/5 vote and must be of an emergency nature. Council discussion. Councilwoman Keys moved to table the Resolution until the next Council meeting, seconded by Vice Mayor Galvin; passed unanimously.

LEGISLATIVE MATTERS

ORDINANCES – SECOND READING AND PUBLIC HEARING

TAB I – PROPOSED ORDINANCE (SECOND READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 4, DIVISION 3 ENTITLED “NON-RESIDENTIAL DISTRICTS”, SPECIFICALLY AT SECTION 4-302 ENTITLED “USES PERMITTED”, TO ESTABLISH ‘RECREATION/ENTERTAINMENT, OUTDOOR’ AS A SPECIAL EXCEPTION USE IN THE M-1 ZONING DISTRICT, TO FOSTER ECONOMIC GROWTH CONSISTENT WITH THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Etienne read the Ordinance title for the record. No public discussion. Vice Mayor Galvin moved to approve the Ordinance, seconded by Councilwoman Keys; for discussion. Council discussion. Council voted; passed unanimously, by roll call vote.

TAB J - PROPOSED ORDINANCE (SECOND READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 2 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES TO UPDATE, ORGANIZE, AND CLARIFY SPECIFIC SECTIONS OF THE CHAPTER, INCLUDING SUBSTANTIVE LEGAL, STYLISTIC AND ORGANIZATIONAL CHANGES, WHILE PROVIDING CONSISTENT USE OF TERMS AND CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Etienne read the Ordinance title for the record. No public discussion. Councilman Bien-Aime moved to approve the Ordinance, seconded by Mayor Tondreau; for discussion. Council discussion. Council voted; failed 2-2, by roll call vote. Vice Mayor Galvin and Councilwoman Keys denied; Mayor Tondreau was away from the dais.

ORDINANCES – FIRST READING

TAB K - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 15 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “PENSIONS AND RETIREMENT”, TO INCLUDE CHANGES IN ACCORDANCE WITH AND FOLLOWING AMENDMENTS TO THE CITY CHARTER AND TO AMEND ARTICLE III, ENTITLED “CLAIR T, SINGERMAN EMPLOYEES RETIREMENT SYSTEM,” TO ALLOW FOR A RETIREMENT INCENTIVE PROGRAM; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

Tab K, removed until the next Council meeting; no action taken.

REQUESTS – PETITIONS – COMMUNICATIONS

TAB L – DISCUSSION AND APPROVAL REGARDING ALLOCATING \$650,000 TO SIDEWALKS, STREETSCAPE, BEAUTIFICATION AND OTHER CAPITAL IMPROVEMENTS IN DISTRICT 2

Mr. Etienne read the title for the record. Council discussion. No public discussion. Councilwoman Keys moved to approve the Request, seconded by Councilman Galvin; for discussion. Council discussion. Council voted; failed 2-3, by roll call vote. Mayor Tondreau, Councilman Bien-Aime and Councilwoman Steril denied.

TAB M – DISCUSSION REGARDING NORTH MIAMI’S RED LIGHT CAMERA SYSTEM

Mr. Etienne read the title for the record. No public discussion. Council discussion. Mr. Johnson gave a brief report to Council. Council discussion. Vice Mayor Galvin moved to eliminate the red light program entirely upon closure of the current contract. Motion died for lack of

second. Vice Mayor Galvin moved to direct staff to come back at the next Council meeting with a report of financial impact of scaling back the red light program. Motion died for lack of second. Council discussion.

TAB N – DISCUSSION AND APPORVAL REGARDING CITY'S MILLAGE RATE ADJUSTEMENT

Mr. Etienne read the title for the record. Mr. Johnson gave a brief report to Council. Councilwoman Steril moved for approval, seconded by Councilman Bien-Aime; for discussion. Council discussion. Mr. Johnson announced the official roll back rate is 7.9321. Council voted to approve the official roll back rate of 7.9321; passed 3-2, by roll call vote. Vice Mayor Galvin and Councilwoman Keys denied.

COUNCIL REPORTS

Various items of interest presented by Council.

Councilwoman Keys moved to direct staff to provide a report of all red light cameras with permitting information and to incorporate the report with the red light camera company report. Motion failed for lack of second.

Councilwoman Steril moved to direct staff to bring forward a Resolution not allowing the public or media behind the dais when Council is in session. Ms. Monestime asked if the request could be in the form of a policy. Councilwoman Steril advised however Ms. Monestime could bring forward the appropriate measure to be considered.

CITY CLERK'S REPORT

Mr. Etienne congratulated city clerk staff for inspecting businesses and assisting bringing businesses up to date with business tax receipts.

Mr. Etienne advised his neighbor requested assistance with a wild dog infestation. Mr. Etienne requested assistance from the Police Department.

CITY ATTORNEY'S REPORT

(NONE)

CITY MANAGER'S REPORT

Mr. Johnson reported on:

- Biscayne Landing environmental issue and will bring forward a report at the next Council meeting; henceforth, all matters would be brought to the Council's attention.
- Injection well leak has been repaired with no impact to the environment or wetlands.
- Council meeting is being live streamed tonight in test mode.

ADJOURNMENT

Meeting adjourned at 10:00 p.m.